

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:

“Track 3 Cases”

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

**DECLARATION OF DONALD C. ARBITBLIT IN SUPPORT OF PLAINTIFFS’ BRIEF
IN OPPOSITION TO DEFENDANTS’ MOTION TO EXCLUDE ANNA LEMBKE**

I, Donald C. Arbitblit, declare as follows:

1. I am an attorney at Lieff Cabraser Heimann & Bernstein, counsel for Plaintiffs in the above captioned case.

2. I submit this Declaration in support of Plaintiffs’ brief in opposition to Defendants’ *Motion to Exclude Anna Lembke*.

3. Attached as Exhibit A is a true and correct copy of *The People of the State of California’s Opposition to Defendants’ Motion in Limine to Exclude the Marketing Causation Opinions of Anna Lembke, Matthew Perri, and Randall Stafford* (Mar. 19, 2021), filed in *People of the State of California v. Purdue Pharma L.P., et al.*, No. 2014-00725287 (Cal. Super. Ct. Orange Cnty.).

4. Attached as Exhibit B is a true and correct copy of *Decision After Frye Hearings* (Nov. 12, 2020) (Garguilo, J.), issued in *In re Opioid Litig.*, No. 400000/2017 (N.Y. Sup. Ct. Suffolk Cnty.).

5. Attached as Exhibit C is a true and correct copy of *Plaintiffs' Omnibus Response to the Defendants' Motions to Strike or Exclude Expert Witnesses* (Mar. 10, 2020), filed in *In re Opioid Litig.*, No. 400000/2017 (N.Y. Sup. Ct. Suffolk Cnty.).

6. Attached as Exhibit D is a true and correct copy of *Order* (Apr. 29, 2021) (Faber, J.), issued in *City of Huntington v. AmeriSource Berge Drug Corp.*, No. 3:17-01362 (S.D.W. Va.).

Dated: August 18, 2021

Respectfully submitted,

/s/ Donald C. Arbitblit

Donald C. Arbitblit

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CERTIFICATE OF SERVICE

I hereby certify that, this 18th day of August 2021, I served a copy of the foregoing via electronic mail on all Track 3 parties, the Court, and Special Master Cohen.

/s/ Donald C. Arbitblit

Donald C. Arbitblit

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